G. R. S. IX-5]

Previous references.

Reserve

1917-18

(Courts)

File No. 35-17

Serial Nos. 148

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 148

Part B for September 1917

SUBJECT.

Extradition of Kuppu accused of assault causing hurt in C.C. no 43 of 17-18 on the file of Special Magistrate, Kolar Gold Fields.

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8) To the District Magistrate Kolar.

No J928 dt 8-9-917

Intimates the issue of a warrant for the surrender of the accused to the Mari Kuppam Police Inspector.

W D 88—GPB—50,000—24-7-16

Abdur Rahman

= 20/9/17

G. R. S. 11] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Cant)

NOTES.

File No. 35-17

FILE HEADING.

Extradition of Kuppa accused of assault causing hurt in C.C. no 43 of 17-18 on the file of the Special Magistrate, Kolar Gold Fields

From

The District Magistrate, Kolar

No. Rej C 40 117 Dated 31.7.17 Received 2-8-17. In Branch on 4.8.17

Diary No. J 278	Enclos. 1 File Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Regrets that steps may be taken to secure the surrender of Kuppa who is now under remand in the Sub Jail, Tirupattur, ~~Salem~~.

NOTES AND ORDERS.

Tirupattur belongs to North Arcot Dr and not to Salem Dr as mentioned in the application hence the change made. JH

Subd. for orders with a draft.

ASR 418

2) The facts of this case are simple. The Head Constable in charge of this Mail Kuppam Police Station verbally directed constable Lakshmanan to arrest the Kuppa for being bound

NOTES—First Sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | (5 File No. 35. of 191).

Serial No.

over for good behaviour. The Constable arrested him but the accused gave him two blows and ran away in spite of his assistance given by another constable in Mufti. The two constables ran after the accused and caught him, but he again assaulted the constables with the help of others and ran away. The evidence clearly establishes these facts and as the accused is absconding an extradition warrant is applied for against him, under S. 332 I.P.C.

3) In this case under S. 55 Cri. P. code an officer in charge of a Police Station can arrest or cause to be arrested any person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself. But under S. 56 Cri. P. code, when any such officer requires an officer subordinate to him to arrest without a warrant, he is bound to deliver to the officer required to make the arrest an order in writing specifying the person to be arrested and the offence or the cause for which the arrest is to be made. No such writing is alleged to have been given in this case to the Constable, and the High Courts have held that in the absence of such a ~~order~~ writing the Constable cannot be considered as ~~being~~ lawfully discharging his duty. (Vide 28 M. 246; 35 M. 405; 28 Cal. 331)

It seems to me therefore that no offence under S. 353

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—

G. R. S. III-2]

248 411

General and Revenue Secretariat.

of File No. 35 of 1917.

Serial No.

has been committed by the accused. The offence appears to be not extraditable.

4) If approved, the District Magistrate of Kolar be informed accordingly.

8/8

5/8/17 1) First Member 5/8

8/8 6) 9/8

7) Draft submitted

8) 11/8

2 To the D. M. Kolar

No. 505 14th Aug 1917

States that a warrant for the surrender of the accused cannot be applied for.

3 From the D. M. Kolar

No. JC 117 & 20/8/17

Resubmits the records, with further remarks whether that a warrant can be applied for.

9) Submitted for orders

10) Please write draft as

4910

751

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | CS File No. 35 of 191 17

Serial No.

4 To, The A. A. Resident
OD 188 D/24. 8. 1917
Requests to issue an extradition warrant for the Dr Nagda Salem for the Surrender of the accused to the Police Inspector of Dharmapuram

5 From the A. A Resident
No OD 313 D/ 30. 8. 1917
Points out that the enclosures refer to Offences under Sections 332 and 353 of the I.P.C, the Covering letter mentions Section 323 of the I.P.C and enquires if any mistake or misunderstanding has occured.

11 Subd with a draft reply to the F. A. R.
ASR
30/8

Done
30/8

6. To the F.A.Resident.
PD. no. 217/6847 D/4. 9. 17.
Explains the discrepancy

7 From the F.A.Resident
no. 6847 D 4. 9. 17
Intimates the issue of warrant

Subd with a draft letter D. M. Kolar.
ASR
7/9

NOTE—Contn. sheet.

WD 1233—GPB—60,CCC—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Etc File No. 35 of 1917.

Serial No. 8

To. The St. Dragte Kolar.
No J 928 Dt 8.9.1917
Intimates the issue of a warrant for the surrender of the accused to the Dranikuppam Police Inspector

NOTE—Contn. sheet.

REV. & JUDICIAL
4 AUG 1917
DIARY No. 1278
19 -19
SECTION C
From
FILE No. 35-17
SERIAL No. 12

District Magistrate's office,
Kolar District,
Dated Kolar, the 30th July 1917.

From

B. V E N K O B A RAO, Esquire, B.A., . . .
District Magistrate, Kolar District.

To

D. M. Narasinga Rao, Esquire, B.A, B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

Sir,

I have the honor to submit herewith an application in the usual form for the issue of a warrant under Act XV, 1903 (Foreign Jurisdiction and Extradition Act) for the surrender of one Kuppu, accused in C.C. No.43 of 1917-18 on the file of the Special Magistrate, Kolar Gold Fields.

2. The charge relating to the accused under reference is that on the 26th ultimo when he was being taken to the Marikuppam -- Police station under the orders of the Head constable, he, assisted by some others, intentionally caused hurt to Tulakanam, P.C. No.201 in uniform and thus obstructed him from discharging his duties, offences punishable under sections 332 and 353, Indian Penal Code.

3. In this case, 6 witnesses have in all been examined and the gist of their evidence is to the following effect.

The 1st P.W. is Mr. Sankara Rao, Pandit, Sub Assistant Surgeon, Robertsonpet. He spoke to the injuries found on the person of the complainant P.W.2 and to grant of the certificate to him.

W.D. 0244—GPB—6,00,000—19-5-16—S.

191

From

The District Magistrate,
Kolar District.

To

The Secretary to the Govt.
of Mysore, Genl. Dept.,
Bangalore.

Dated
Despatched } 31-7-17
Received

GEN. & REV. SECTT
2 AUG 1917

General No. Ref 2 cho 117
No.

Enclosure No. 1 file

Requesting that steps may be taken for Le-ewing the Surrender of armed Rubbers Concerned in C.C. No. 43 of 17-18. on the file of the K.G.D. Magistrate

P.W.2, the complainant, deposed to his attempt to arrest the accused for producing him before the Head constable in pursuance of his orders and to the assault and hurt caused to him by the accused, P.W.4 a hand jumper cooly in the employ of the Gold Mining Company and P.W.5, a Police constable, corroborating the complainant.

The evidence of P.W.3, Police Head constable, pointed to the issue of orders to P.W.2 for the arrest and production of the accused, a rowdy character, who had to be bound over for good behaviour and to the subsequent receipt of complaint from the Police constable.

P.W.6 identifies Kuppu, the accused, who is now in the Sub Jail at Tirupattur.

4. From the evidence cited above, it is clear that a prima facie case under sections 332 and 353, Indian Penal Code has been made out against the accused. The offence under section 332 being extraditable, I request that steps may be kindly taken to secure the surrender of the accused.

5. The records of preliminary enquiry are enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

for District Magistrate,
Kolar District.

R.T.R.

Application for a warrant under Act XV of 1908, the Foreign Jurisdiction and Extradition Act.

1. Officer to whom the warrant should be issued.	The District Magistrate, Salem District.
2. The Magistrate of the District who wants the warrant to be issued.	The District Magistrate, Kolar.
3. Name and Description of accused person.	Kuppu, son of Murugesh, Pariah, age 28 years.
4. Where or under whose custody the accused person is supposed to be.	Under remand from 12-7-17 in the Sub Jail, Tirupattur; remanded by the Magistrate, Tirupattur.
5. Name of the offence committed and section of the Indian Penal Code under which the accused is charged.	Voluntarily causing hurt to deter public servant from the duty under section 332, Indian Penal Code.
6. Officer to whom the accused should be surrendered.	The Inspector of Police, Marikuppam.
7. Place at which the accused be delivered up.	Marikuppam Police station, Kolar Gold Fields.
8. Whether the accused is a British subject, a subject of Mysore or to which State he belongs.	British Subject.

Dated Kolar
the 31st July 1917.

for District Magistrate,
Kolar District.

applied for for the surrender of the accused for trial for an offence under section 323, Indian Penal Code which is extraditable.

3. The records of the case received with the letter under reply are herewith retransmitted for reference and return.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,
Kolar District.

Application for a Warrant under Act XV of 1903, the Indian Extradition Act.

1.	Officer to whom the warrant should be issued.	The District Magistrate, North Arcot.
2.	Magistrate of the District who wants the warrant issued.	The District Magistrate, Kolar.
3.	Name and description of accused person.	Kuppu, son of Murugesh, Pariah, age 28 years.
4.	Where or under whose custody the accused person is supposed to be.	Under remand from 12-7-17 in the Sub Jail, Tirupattur; remanded by the Magistrate, Tirupattur.
5.	Name of the offence committed, and section of the Indian Penal Code under which the accused is charged.	Voluntarily causing hurt ~~to deter public servant from the duty~~ under section 323 332, Indian Penal Code.
6.	Officer to whom the accused should be surrendered.	The Inspector of Police, Marikuppam.
7.	Place at which the accused should be delivered.	Marikuppam Police station, Kolar Gold Fields.
8.	Whether the accused is a British subject, a subject of Mysore, or to which State he belongs.	British Subject.

MYSORE GOVT. GENL. & REV. SECRETARIAT,

Bangalore 191 .

for *Secretary to Govt.*
General Department

GPB—1,000—14-12-10

MRN.

GEN. & REV. DEPTT.
III
JUDICIAL
21 AUG 1917
DIARY No. 941
19 -19
ON
No.
L No.

District Magistrate's office,
Kolar District,
Dated Kolar, the 20th August 1917.

From

B. V E N K O B A RAO, Esquire., B.A.,
District Magistrate, Kolar District.

To

D. M. Narasinga Rao, Esquire, B.A., B.L.,
Secretary to the Government of Mysore,
General Department, B a n g a l o r e.

Sir,

Adverting to your letter No.J. 505/Cts. 35-17-2 dated the 14th instant, observing, with reference to the requisition for the surrender of Kuppu, an accused in C.C. No.43 of 1917-18, on the file of the Special Magistrate's court, that section 332, Indiam Penal Code, is not applicable and that the issue of a warrant cannot be -- applied for, I have the honor to suggest that if section 332 is not applicable, section 323, Indian Penal Code would be applicable.

2. In this connection, I beg to invite your kind reference to the latter part of Article 73 of Mayne's Criminal Law of India, -- Fourth Edition, at pages 215 to 217 which throws some useful light on the question. If you can see your way to agree with this view, I request that having regard to the nature of the office and the -- circumstances under which it was committed, a warrant may be kindly

W.D. 0244—GPB—6,00,000—19-5-16—S.

191

21 AUG 1917

From

The District Magistrate,
Kolar District.

To

The Secretary to the Govt.
of Mysore, Genl. Dept.,
Bangalore.

Dated 20 ult. } August 1917
Despatched 20 ult. }

Received

General No. JC. No. 117
No. Encs. (Records)

Enclosure No.

Requests that a warrant may be applied for for the contradiction of accused Kuppu in CC No. 430/17-18 of the Sub Magistr Court, K.G.F.

Courts File No. 35-17
Sl. No. 4

Pol. No. 180/Ecs. 25/file

GOVT. OF H. H. THE MAHARAJA OF MYSORE,
GENERAL & REVENUE SECRETARIAT.
Dated, Bangalore.....24.....8.1917

From

The Secretary to the Government of H. H. the Maharaja of Mysore.

To

The First Assistant to the Honorable the Resident in Mysore.

SIR,

I am directed to forward herewith a copy of letter No Rep Jc. Lo 117 dated 31.7.1917 from the District Magistrate of Kolar, as also the records of preliminary enquiry (in original, to be obligingly returned when no longer required) in Criminal Case No 43 of 1917-18 on the file of the Assistant Commissioner and First Class Magistrate of the Kolar Gold Fields in which one Kuppu native of British India is charged with the offence of Voluntarily causing hurt ~~to public servant~~ punishable under Section ~~332~~ 323 I. P. Code, and to request that an extradition warrant may kindly be issued to the District Magistrate of Salem for the surrender of the said accused to the Police Inspector of the Marikuppam Police Station ~~Taluk~~ at Marikuppam.

2. The usual statement containing the necessary particulars for the preparation of the warrant is also enclosed.

I have the honor to be,

SIR,

Your most obedient servant,

List of Enclosures Two Home file

Drafted by Asst 4/8

Copied by

Examined by

Signed by

For Secretary to Government

DIARY No. 7496

10 -10

SECTION

No. 6678

2 and one file

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

Dated Bangalore, 29th August 1917.

SIR,

With reference to your letter No. Pol.188, dated the 24th August 1917, asking for the issue of an extradition warrant for the surrender of one Kuppu, I am directed to point out that while the enclosures refer to offences committed under sections 332 and 353 of the Indian Penal Code, the covering letter mentions section 323 Indian Penal Code, and to enquire if any mistake or misunderstanding has occurred.

* returned herewith

I have the honour to be,

S i r,

Your most obedient servant,

First Assistant Resident.

R. O. 2.—R. P. B.—7-1917.—1,000.

1 9/8

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. T.496....

GENERAL AND REVENUE SECRETARIAT

(Cants.)

, *the* *191* .

Date of issue 1st September 1917

Signed by [illegible]

Section Cants-

File No. 35-17

Serial No. 6.

No. Pol. 217 Ee. 24 Records

To

The E.A. Resident in Mupse

Sir,

With reference to your letter no 6678 D. 29-8-17 regarding the extradition of Ruppin, I am directed to state that as the applicability of Section 332 of the I.P.C. (the case was doubted), the District Magte, Kolar, suggested that the offence may be brought under Sec 323 and a warrant applied for (this explains), and that the discrepancy noticed in your letter

2. The records received with

over.

Your letter are herewith retransmitted

I have the honor
to be
Sir
Your obedient servant
for Secretary of War
Gen'l Dep't

AAG
30/8

List of enclosures.

Two Encls. one file
MIC
3/18/17

Copied by

Examined by

W D86—G P B—60,000—15-11-16

DIARY No. 9561

No. 6847 Records.

FROM

Major E. H. S. James,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE

To

Secretary to the Government of
THE ~~DEWAN OF MYSORE~~
His Highness the Maharaja of Mysore,
General Department.

Dated Bangalore, the 4th September 1917.

GEN. & REV. SECRETARIAT
III
JUDICIAL
6 SEP 1917

SIR,

I am directed to acknowledge the receipt of ~~Mr~~ your letter No. Pol.217, dated the 1st September 1917, asking for issue of an extradition warrant for the surrender of Kuppu who is accused of having committed the offence of voluntarily causing hurt in Mysore territory.

2. In reply, I am to inform you that a warrant has this day been issued to the District Magistrate of North Arcot for the surrender of the accused person to the Inspector of Police of the Marikuppam Station at Marikuppam

3. The original enclosures to the letter under acknowledgment are ~~here~~-with returned.

I have the honour to be,
SIR,
Your most obedient servant,

E H S James

First Assistant to the Resident.

R. O. 18.—R. P. B.—3-1916—200.

Courts File No 35-17

Sl. No 9

General and Revenue Secretariat

(Judicial and Legislative)

Diary No. of letter replied to J.496.

Date of issue 8/9/17

Signed by Mr G. Srinivasa Iyer

List of enclosures.

Drafted by AM 7/9

Copied by 7/9

Examined by

From

The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

To

The District Magistrate of Kolar

No. J.928 (Records)

Sir, Correspondence ending with

With reference to your letter No. JC.117 dated 20.8.1917, submitting an application for the issue of an extradition warrant for the surrender of Kuppu

accused of having committed the offence of voluntarily causing hurt punishable under Section 323 I. P. Code I am directed to intimate that the Hon'ble the Resident has, on the 4th Sept 1917, issued a warrant to the District Magistrate of North Arcot for the surrender of the said accused person to the Police Inspector of the Marikuppam Station ~~Taluk~~ at Marikuppam

2. The original enclosures received with your letter under reply are herewith returned.

I have, etc.,

For Secretary to Govt.

GPB—500—2-9-11